P 15

Sectt. II-27—45,000—9-11-34.

Revenue (1936) Department.

MS SERIES.

G.O. No. 1197

DATED 30-5-1936

[Despatch Abstract.]

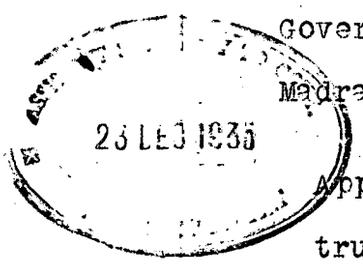
ALLOWANCES -

Tasdik - (South Kanara) - Yellare Janardhana Dev - Payment of arrears for faslis 1342 and 1343 - Sanctioned.

The Secretary,

Government Revenue Department

Madras.



Rs 5/9/8E

Rep. 23.12

By Mr 23/12/35

Appeal petition of H. Govindraya Kedlaya, Managing trustee of Yellare Janardnan Temple, Karkal Taluk.

Sir,

This appeal is against the order of the Board of Revenue in B.P.Routine No.6011 dated 10-11-1935.

1. That the appellant is the managing Moktessor of Yellare Janardhana Devaru which has a tasdik of rupees 220-0-0 assigned from certain holdings in Bellampalli village in Udipi Taluk.

2. That in the year 1930 the Collector ordered that the tasdik should be held in deposit by collecting it from Pattadars in - view of the fact that the Tahsildar reported that the institution was in disrepairs and services were not conducted regularly But the Revenue Department instead of sending the tasdik to - deposit reimposed assessment and merged the tasdik into general Revenues.

3. That ever since the Hindu Religious Endowments Board had settled a scheme of administration for the Temple the appellant has been seeing to proper conduct of the Pujahs and also to the repairs of the Temple. The sanctom sanctorum and Mandapams are in good condition. The appellant has spent large sums of money out of his pocket for the improvement of the Temple. This fact is well known to the Officers of the Hindu Religious Endowments Board.

4. That in April 1935 the appellant applied to the Collector requesting him to pay all arrears of tasdik supposed to have been held in deposit as it would have helped the appellant to carry on his work of rebuilding the Temple and also help him to conduct the various viniyogas connected with the Temple. The

appellant believes that as the tasdik was an assignment of Revenue The revenue department no right to collect it from the Pattadar The Tahsildar held a personal inspection but the appellant was-surprised to find that sanstion to pay tasdik of only 1344 was-accorded which he believes was done with the sanction of the -- Board of Revenue The appellant's appeal to the Board of Revenue in this connection was dismissed. Hence this second appeal.

5. In the meanwhile a notice was served on the appellant --- asking him to pay contribution to the Hindu Religious Endowments Board upto fasli 1341. The appellant represented to the Endowments Board that the demand was exorbitant. The matter has not yet been settled in the Endowments Board upto fasli 1341 should be drawn as a refund from land revenue collections and paid to it. In the matter of further contribution levied by the Endowments Board in respect of subsequent faslis, it is understood that the Endowments Board has requested the collector to suspend collections until my petition is settled.

6. The appellant understands that the collector has ordered that tasdik for fasli 1344 sanctioned to be paid should in the first instance be refunded to the Watgadars from whom it was collected ~~(and)~~ and from whom it has to be obtained by the appellant. This itself would show that the Revenue Department should not have collected the tasdik from pattadar and put the appeallant to such a lot of trouble. The tasdik for 1344 has not yet been paid to the wargadars. The appellant is therefore unable to collect the amount.

7. The appellant finally submits that in view of the fact that services has been conducted all along as would be borne out by Taluk records and the fact that he has been spending large sums of money to put the institution in order hoping to get the tasdik wrongly collected from the pattadar, the Government would be pleased after a proper enquiry to order the pavment of tasdik wrongly withheld. The officers of the Endowments Board are quite aware of the pains taken by the appellant to improve the condition of the institution to whom a reference may be made

The appellant prays that justice may be done to him.

Enclosure:- Proceedings of the Board of Revenue dated 20-11-35.

Dated 18-12-1935. A. Govindaraja Mudaliar Ps-wife.
Managing Trustee

C.F. 33.

PROCEEDINGS / MORANDUM OF THE Board of Revenue ~~Land~~ Rev. and Sett., Madras.

*Post Box No.*_____ *Telegraphic Address*_____

Name E.F.Thomas, Esq., C.S.I., C.I.E., I.C.S., Commr. of Land R

B.P Routine 6011 *No.*_____, *dated* 20-11-1935.

Short title Allowances - Tasdik - (South Kanara) Karkal taluk Yellare Janardhana Dev. - Payment of arrears - Govindaraya Kedlaya Petition - Dismissed.

READ—the following :—

Reads:

Petition from Govindaraya Kedlaya, dated 20-9-35.

RESOLUTION:

The Board declines to interfere on behalf of the petitioner. The petition is dismissed

(True Extract).

(Sd.) A.R.C.Westlake

Secretary.

To M.R.Ry. Govindaraya Kedlaya, Bairampalli village,

Udipi taluk, Perdur (P.O.

To the Collector of South Kanara.

Forwarded.,

(By order).

N Subrama

Superintendent. 22.11.35.

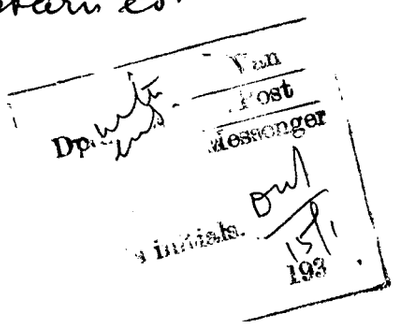
Allowances. Tasdik -
(Soiki kanara) Karkal Talu
Yellare Jamandhana Dev
Payment of arrears -
Govindaraya Keddaya. Pet
From MRRs Govindaraya
Keddaya petition dy 18-12-19

R. Due Date Returned
11-3-36 non-returnable
15-4-36 1-5-36 23-4-36
13-5-36 29-5-36.
P32-3NF

P3NF

End no S 198 B/35-1 dy 10-7-36
Refered to the Board
Rev for early report showing th
full facts of the case
~~regarding the petition~~ and the
exact nature of the allowance in
question ~~and~~ It should be
reported in particular
No 6136/ Whether the Inam
O.M. 10/1/36 Commn dealt with
this allowance at
the Inam settlement - or
issued a title deed in respect
of it. ~~and whether the~~
~~Collr assumed the issue~~
~~for~~ A copy of the Collr's order
of 1930 referred to in the
petn should also be called
together with informat

To the Board of Rev with the petition in original to be returned.



> to whether the man
if it was an man) was
resumed by the Cth ~~for~~ on the ground of cessation
~~fantom~~ of service

16.1.36

R. O. C. 545-36-B-1.

South Kanara Collector's Office,
Mangalore, dated 22nd April 1936.

From

Khan Bahadur Muhammad Humayun,Sahib Bahadur,B.A.
Collector of South Kanara.

To

The Secretary to the
Board of Revenue,.
M a d r a s.

S i r,

Allowances-- Tasdik--South Kanara--Karkal Taluk--Yellare Janardhana Dev--Payment of arrears to Govindaraya Kedilaya--Petition to Government.

Board's reference A. No. 270/36-1 dated 24th January 1936.

I resubmit the petition of Govindaraya Kedilaya received with the Board's reference. I also enclose Collector's D. Dis. file 11941-30 dated 15th December 1930.

2. The Tasdik allowance due to the Yellare Janardhan Dev of Karkal Taluk of which petitioner is the managing trustee, is in the nature of an assignment of revenue of Rs.220/- from Muli warg No. 1 of Bellamballi village Udipi Taluk and is covered by title deed No. 525 according to the entries in the Inam Register of Udipi Taluk. It appears as item 324 at page 47 of the list of money allowances communicated with G. O. 2065 Revenue dated 9th October 1929. The Hindu Religious Endowments Board is levying a contribution of Rs.60/- per annum from this institution.

3. The facts of this case were reported to the Board in Collector's letter R.O.C. 1611-35-B-1 dated 13th June 1935 and the Board ordered in its proceedings Mis. 2415 dated 2nd July 1935 that the tasdik allowance should be paid to the temple from

fasli 1344. Petitioner claimed the allowance for faslis 1342 and 1343 also and appealed to the Board; but the appeal was dismissed in Board's Proceedings Routine 6011 dated 20th November 1935.

4. The petitioner Govindaraya Kedilaya became the managing moktessor or trustee of the institution under a scheme of administration which was drawn up in 1934 by the Hindu Religious Endowments Board for the management of the Institution. He was not the Trustee in 1930 when the Tahsildar of Udipi brought to the notice of the Collector that the building of the institution was out of repairs (since 1922) and that services were not being regularly performed and that in spite of a notice issued by the Tahsildar, the trustee had failed to set matters right. It was on receipt of this report that the Collector (Mr. Wells) ordered (on 15.12.30) that a notice should be issued to the trustee giving him one year's time to repair the building and to ensure the regula performance of services and that in the meanwhile, pending a furthe consideration, the full assessment should be collected from the registered holder of Muli warg No. 1 of Bellampalli and that the amount of Tasdik should be kept in deposit. A copy of this order is enclosed.

5. Mr. Wells appears, as stated in paragraph 3 of Collector's letter dated 13th June 1935 to have passed this order without any intention of having the tasdik merged in the L. R. collections of Bellampalli. He ordered that it should be kept in deposit as a separate item. On the strength of the order passed by him, however, the item relating to the institution was eliminated from the remission statement of Bellampalli village and the assessment was added to the Land Revenue Demand, at the Jamabandy of the Udipi Tal for fasli 1340.

6. The institution continued in disrepair even up to the end o 1934 and the trustee did not take any steps to obtain the tasdik. The Hindu Religious Endowments Board however sent in 1933 a requisition for the collection of the contribution due to it from the temple for the period up to and including fasli 1341 and Rs.432-8 were paid to it out of the amounts due to the temple for faslis 1340

and 1341 by refund of Land Revenue and by adjustment to the credit of the Hindu Religious Endowments Board. When a further requisition was again received from the Hindu Religious Endowments Board in 1934 for the collection of Rs.120/as contribution for faslis 1342 and 1343, the petitioner who had then become the trustee represented that the income of the temple had been grossly over estimated by the Hindu Religious Endowments Board. He requested that the coercive measures which were in progress might be dropped and that the amount due to the Hindu Religious Endowments Board might be paid by adjustment out of the tasdik amount due for 1342. The Collector (Mr. Gawne) however refused to pay the amount due to the Hindu Religious Endowments Board under the requisition of 1934 as the Hindu Religious Endowments Board had failed to do anything to put the temple in repair and was seeking only to deprive the temple of the tasdik which might be utilised for its repairs. The amount due to the temple for faslis 1342 and 1343 has therefore not been disbursed and it is merged in the L. R. collections for these faslis of Bellampalli village.

7. Early in 1935, the petitioner seems to have set about commencing repairs to the institution and the Tahsildar reported in May 1935/after inspection that services were being regularly performed and that the building had been sufficiently repaired. It was this report that the Collector addressed the Board on 13th June 1935. On receipt of B.P. Mis. 2415 dated 2nd July 1935, the order of 1930/was cancelled by the Collector and the petitioner has, as ordered by the Board, received(on 10th February 1936) the tasdik due to the temple for fasli 1344. The amount due to the institution every year appears now in the accounts again as an assignment of land revenue in favour of the temple.

8. The question that remains for consideration is whether in view of the fact that the tasdik was merged by mistake in land revenue by the order of 1930, the temple is not now entitled to the tasdik due to it for faslis 1342 and 1343. As services are now reported to have been conducted --

all along properly, though the buildings were not in good condition up to 1934, I recommend that the Government may be moved to order the payment of the allowance due to the temple for faslis 1342 and 1343 as a refund of revenue.

Your obedient servant,

madhaaaaaa

For Collector. 23/4

23.4.86

Allowances! Tasdik - (Sonti kanara) Karkal taluk Yellare Janardhana Dev... Payment of arrears - Govindaraja Kedlaya - petition

CRO 5-1988 B/35. From KRRs Govindaraja Kedlaya petition dy 18-12-1935

To DS

Please see the cf. Yellare Janardhana dev temple in karkal taluk Sonti kanara Dt has a tasdik allowance of Rs 220/- per annum assigned from certain holdings in Bellampalli village Udipi Taluk. As the institution was in disrepairs and as the services were not rendered regularly, the Revenue Authorities ~~suspended~~ collected the assessment in 1930 from the warpdars and credited the amount to general revenue. The petitioner who is the managing trustee of the temple carried out the necessary repairs and applied to the Collector in 1935 for the payment of the arrears of the tasdik allowance due to the temple. The Collector ~~sanctioned the payment of the allowance~~ seems to have permitted the temple to collect the assessment from the warpdars from fasli 1344, & for this purpose ordered the refund of the amount collected by the Govt. to the warpdars, so that the temple may collect it from them. The petitioner applied to the Board of Rev for the payment of the amount for previous years. The Board of Rev declined to interfere in the matter. He has now approached the Govt. As the institution

Dkam 324 at p 47 of the list
Relating to Sonti kanara Dt
Govt 2065-Rev (F)
9-10-1929

A at p 1 Cf

para 3 at p 1 Cf

para 4 at pp 1-2 Cf

p 5 Cf

18

was not in repairs and as the services were not conducted regularly the Collector ordered that the kasdik allowance attached to the temple should be credited to general revenues. The petitioner is not, therefore, entitled to the arrears. It does not appear necessary to call for a report. The Govt may agree with the Board of Rev and the petition may be rejected. Subject to order a draft order is submitted for approval.

P.
3.1.36
P.K.
5/1/36

This seems to be in the nature of the Tanjore 'Kudimai' allowance. It is not however, clear whether title deeds were issued in respect of this allowance by the Inam Commr. The facts are not clear. The petnr states that the amount collected in fasli 1344 from the wargdars has not yet been refunded to them & that therefore he is not able to collect it from the wargdars. If the allowance is covered by a title deed issued by the Inam Commr, and if the collr

had remmes the man for
failure of service it not
clear how he can restore
the man after having removed it
once. The proper procedure
would be to continue to collect
the amount from the wages
& to pay the amount due to
the temple by means of
book deduction. I think that a
report showing full facts of the
the nature of the allowance
may be called for.

6.1.36

8.1.36

To AS

Draft such is submitted for
approval

6.1.36

6.1.36

6/1/36

Issued as encl to 5198 B/35-1 dt 10-1-1936 pp 7-8 cf

From the Board of Rev Ref No A 270/36-2 dt 12-5-36 pp 9-15 cf

TOAS

Please see the notes at pp 1-3 ante and the encls to the Board of Rev. and to report at pp 7-14 cf The Collector reports that the allowance in question is in the nature of an assignment of revenue of Rs 220/- pr annum from Muli Warg No 1 of Bellampalli Village Wdpi taluk and is covered by title deed no 5-25 according to the entries in the Inam Register of Wdpi taluk The allowance was settled by the Inam Commissioner and a title deed was issued on 26-11-1875 It is observed from the Collectors order Jdcs no 11941/31 dt 15-12-1930 that prior to 1930 the trustee of the institution on collecting the allowance direct from the wargdar and in 1930 the Collector accorded sanction for the Collector to collect the full assessment from the registered holder concerned so that the tasdik might be held in deposit and paid only in case the institution was repaired or services were rendered regularly. This allowance is therefore in the nature of Nohum allowance in the Jangore & But as

para 2 at p 11 cf

para 3 at p 10 cf

& true copy encl A at p 3

p 15 cf

as the allowance in question was settled by the Inam Commissioner and a title deed was issued the payment of the allowance by Devasthanam cannot be ordered. The allowance will be subject to the conditions in the title deed.

2. The Collector later at pp. 11-14 ct gives full details of the case. As the institution was in disrepair, the Collector ordered that the tasdik should be kept in deposit & not paid only in case the institution was repaired or services were performed regularly. But by mistake instead of keeping the amount in deposit it was merged in general revenues. The Collector now reports that services in the institution were performed regularly all along & that only the temple was in disrepair. He recommends that the tasdik due for faslis 1342 and 43 may be paid to the present trustee. The Board of R. State that it is difficult to apportion the allowance between the upkeep of the temple and the performance of service in it and suggests that the amount may be ordered to be paid to the present trustee as he has incurred and the repairs though he is not the ~~pres~~

person that rendered his service in
Fasli 1342 It is for orders whether
his Board's proposal may be sanctioned.
~~As the Board's proposal is for sanction of~~
~~only protection charges no deduction needs~~
~~be made with reference to Rule 29 under~~
~~the order~~ Subject to orders a draft order
as submitted for approval It may be
sent to the Finance dept for acceptance

FINANCE SECRETARY
22 MAY 1936
GOVT. OF MADRAS

21

No/26/

19/
20/5/36
S

J.

May be accepted

Sd
22.5.36

Finance.

UNDER SECRETARY TO GOVERNMENT
25 MAY 1936
FINANCE DEPT.

Fin (Accts)

Confd
Sd

The draft order may be
accepted in this Dept

Vide Board's Rc. cos (198/35
Rep. on
Inq-10 C.F
S

23/5/36

25-5-1936

Sd

16325 Accts
Circ. 28.5.36
Bot C. 22.9.36

Rev.

Fin No-16325 Accts-
26.5.36.

Rev. Dept.

The draft may not please

Bot

27/5/36

UNDER SECRETARY TO GOVERNMENT
27 MAY 1936
REVENUE DEPARTMENT

Sd

C.